



REMARKS

The Office Action mailed December 24, 2008, has been carefully considered together with each of the references cited therein. The remarks presented herein are believed to be fully responsive to the Office Action. Accordingly, reconsideration of the present Application in view of the above amendments and following remarks is respectfully requested.

Claim Rejections Under §103

Claims 1 – 11 stand rejected under 35 USC § 103(a) as being unpatentable over Egli (WO 2004/035690). The rejection is respectfully traversed.

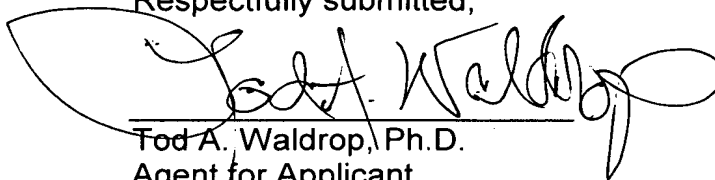
Applicant hereby perfects the foreign priority claim of December 10, 2003, by attaching herewith a copy of an English translation of the certified copy of the foreign priority document, along with a statement that translation of the certified copy is accurate. The certified copy of EP 03028367.5 was filed in conjunction with the prosecution of this Application, Serial No. 10/582,418, which was filed in the United States on June 9, 2006.

In view of the above, Applicants courteously believe that priority to EP 03028367.5 of December 10, 2003 has been perfected. In consequence, Egli (WO 2004/035690), published April 29, 2004, does not constitute prior art under § 102 against the Application. Applicant, therefore, respectfully requests reconsideration and withdrawal of the § 103 rejection.

As the total number of claims does not exceed the number of claims originally paid for, no fee is believed due. However, if an additional fee is required, the Commissioner is hereby authorized to credit any overpayment or charge any fee deficiency to Deposit Account No. 03-2060.

In view of the forgoing remarks, the present Application is believed to be in condition for allowance, and reconsideration of it is requested. If the Examiner disagrees, please contact the Agent for Applicant at the telephone number provided below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tod A. Waldrop", is written over a horizontal line. The signature is fluid and cursive.

Tod A. Waldrop, Ph.D.
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